

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JAMES L. HENDRICKS
TX-1320326-G

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DOCKETED COMPLAINT NO.
06-112

AGREED FINAL ORDER

On this the 20 day of AUG, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of James L. Hendricks, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter, James L. Hendricks agrees to this Order. However, he denies any adverse Findings of Fact or Conclusions of Law contained herein.

The Board, with the agreement of Respondent, makes the following Findings of Fact and Conclusions of Law and enters this Order in accordance with TEX. OCC. CODE ANN, § 1103.458.

FINDINGS OF FACT

1. Respondent James L. Hendricks is a state certified general real estate appraiser, holds certification number TX-1320326-G, and has been certified by the Board during all times material to this complaint.

2. On or about April 18th, 2005, Respondent appraised real property located at 1413 Curtin Street, Houston, Texas 77018 ("the property").

3. On or about April 17th, 2006, the Staff initiated a complaint based on allegations that the Respondent had produced an appraisal report that contained various deficiencies.

4. On or about April 18th, 2006, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

5. Respondent was alleged to have violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following alleged acts or omissions:

- a. Failure to comply with the record-keeping and conduct provisions of the Ethics Rule;

- b. Failure to prominently state the report option he used;
- c. Failure to identify and report the improvement(s) description adequately;
- d. Failure to provide a brief summary of his basis and underlying rationale for his determination of the property's highest and best use;
- e. Failure to collect, verify, analyze, and reconcile the cost new of improvements, failure to use an appropriate method or technique to develop his site value determination and failure to employ recognized methods and techniques in his cost approach;
- f. Failure to employ recognized methods and techniques in his sales comparison approach and failure to collect, verify, analyze and reconcile comparable sales data adequately; and
- g. Failure to analyze the agreement of sale for the property current as of the effective date of his appraisal.

6. Bona fide disputes and controversies exist between the parties as to the issues in this matter both factual and legal.

7. The parties desire to compromise and settle all claims of any kind in this matter. The parties intend that the signing and acceptance of this Agreement is a full and final settlement of all claims or potential claims and defenses that are or could have been made herein.

8. The parties agree that while nothing in this Agreement and Order is or shall be deemed or considered an admission of fact or an adjudication of such, they desire to resolve this matter without the necessity of further time and expense in further proceedings and Respondent agrees to comply with such.

CONCLUSIONS OF LAW

The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535.

Based on the above Findings of Fact and Conclusions of Law, the Respondent agrees that he shall:

- a. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- b. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach; and
- c. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in the initiation of a contested case proceeding against Respondent and, after opportunity for hearing, possible imposition of disciplinary sanction against Respondent as provided in TEX. OCC. CODE ANN § 1103.518.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.


THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 18th day of MAY, 2010.


JAMES L. HENDRICKS


ACE PICKENS, ATTORNEY FOR
RESPONDENT

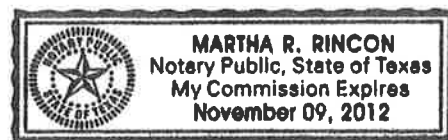
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 18th
day of May, 2010, by JAMES L. HENDRICKS, to certify which,
witness my hand and official seal.



Notary Public Signature


MARTHA RINCON

Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 19th day of AUGUST, 2010.


Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 20 day of Aug, 2010.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 20 day of Aug, 2010.


James B. Ratliff, Chairperson
Texas Appraiser Licensing and Certification Board